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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourth periodic report of States parties due in 2000

Addendum

Czech Republic*

[26 November 1999]

* This document contains the third and fourth periodic reports of the Czech Republic, due on 1 January 1998 and 2000 respectively, submitted in one document. For the initial and second periodic reports of the Czech Republic and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/289/Add.1 and Corr.1 and CERD/C/SR.1254, 1255 and 1270.

The information submitted by the Czech Republic in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the core document HRI/CORE/1/Add.71.

The appendices may be consulted at the Office of the United Nations High Commissioner for Human Rights.

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I. GENERAL - DEMOGRAPHIC STRUCTURE OF THE POPULATION

A. Minorities[1]

1. Overview of minorities

1. According to the last census taken in 1991, the number of persons living in the Czech Republic and claiming to have a national identity other than Czech was 531,688, i.e. 5.2 per cent of the total population. The largest proportion of that number was that of the newly recognized Slovak minority, which is highly integrated in terms of both culture and language. The number of persons claiming to be of the Slovak national identity was 314,877, i.e. 3.1 per cent of the total population. It should be emphasized that in 1991 Slovaks living in the Czech Republic, which then was part of the Czech and Slovak Federal Republic, were not a national minority in the true sense of the word: both the Czech and Slovak nations had the same rights over the whole territory of the Federation and both languages were used as official languages everywhere.

2. The other important minorities living on the territory of the Czech Republic are: the Polish minority (the 1991 census: 59,385 persons, i.e. 0.6 per cent of the total population), the German minority (48,556 persons, i.e. 0.5 per cent), the Roma minority (32,903 persons, i.e. 0.3 per cent), and the Hungarian minority (19,932 persons, i.e. 0.2 per cent). The numbers of those who claimed to be of the Ukrainian, Russian, Ruthenian, Bulgarian, Greek and Romanian national identity ranged between 1,000 and 10,000 in 1991.

3. In the 1991 census, in addition to the above minorities, many people indicated a Moravian "ethnicity" (1,362,313 citizens, i.e. 13.2 per cent). Moravia is the name of one of the two main historical lands of the Czech Republic but the Moravians are not in the position of a national minority: they are part of the majority society in terms of both language and culture (the concept of Moravia/Moravian is analogous to, for example, that of Saxony/Saxon in Germany or Lombardy/Lombard in Italy).

2. The Roma

4. The statistics relying on the 1991 census do not give a true reflection of the actual number of persons belonging to the Roma minority. According to qualified estimates, there are about 200,000 people living in the Czech Republic who are generally considered, and consider themselves, to be Roma. (According to the Roma Citizens' Initiative, the Roma in the Czech Republic number 300,000 to 400,000). The 1991 census was the first opportunity for them to claim their national identity but the majority of them did not use the opportunity. There are apparently a number of reasons why this was so, ranging from the influence of continuity of attitudes (there was no Roma "box" to be ticked in the forms used in previous censuses and the Roma were compelled to declare a Czech, Slovak or Hungarian national identity), through a real loss of identification with the Roma minority (persons tending to assimilation), to historically rooted worries about the possible consequences (the Roma lists of 1939 were misused for the deportation of the Roma to the concentration camps).

5. The Roma living on the territory of the Czech Republic belong to several sub-ethnic groups. The absolute majority of them (80 per cent) are referred to as the Slovak Roma. Most of them speak dialects related to the East Slovakian Roma language, which has been codified and is taught at the School of Philosophy, Charles University, Prague, as part of the Roma Studies programme. Books, periodicals and other publications are produced in that language. A small proportion of them speak dialects related to the Central Slovakian and West Slovakian Roma language.

6. The second largest Roma group (about 20,000) are the Vlax (Vlaxiko) Roma. They speak their own dialect which differs considerably from the Slovak Roma dialect. The Vlaxiko Roma lived nomadically until 1959 when various restraints began to be applied (including the use of force) to prevent them from travelling. The remaining Roma sub-ethnic groups had already been settled.

7. The third group are the Hungarian Roma who speak Hungarian as their mother tongue and who, in the censuses, usually claim to be Hungarians. Their number is estimated at 15,000.

8. The fourth group are the original Czech and Moravian Roma. Only about 600 people of this group survived the Nazi genocide. This population is highly integrated or even assimilated. The Sinti (German Roma), who had lived on the Czech territory before the war, were also practically exterminated by the Nazis.

9. Roma from the former Yugoslavia, Romania and the former USSR have begun to appear on the Czech territory in recent years. They do not legalize their stay in the Czech Republic.

B. Foreigners

1. Foreigners holding a residence permit

10. As of the end of 1998, 220,187 foreigners having a residence permit were registered in the Czech Republic. While the number of persons with a long-term residence permit increased rapidly between 1993 and 1996, this growth was slower in 1998. On the other hand, the number of permanent residence permits increased.

11. The largest group (52,684 persons, i.e. 24 per cent of all foreigners holding a residence permit) was comprised of Ukrainian citizens. However, the actual number of Ukrainians, who for the most work in the building industry, is undoubtedly much higher because many of them stay in the Czech Republic as tourists or illegally.

12. The number of citizens of Slovakia with a residence permit in the Czech Republic was almost as high as that of the Ukrainians: 49,621, as indicated by the Government Information on the Migration Situation in the Czech Republic in 1998. The statistics do not reflect ethnic identity and so it cannot be determined how many of these Slovak citizens are Roma.

13. In 1998, the other important groups of foreigners having a residence permit in the Czech Republic included the citizens of Viet Nam (22,875), Poland (22,166) and Russia (10,029). A part of the Vietnamese community has been residing in the Czech Republic since before 1989. A growth of the Chinese community has been recorded since 1989.

2. Refugees and asylum applicants

14. Compared to 1997, the number of applicants for refugee status almost doubled in 1998 (from 2,109 applications in 1997 to 4,086 applications in 1998). By 31 December 1998, refugee status had been granted to 1,819 foreigners. Upon deducting the number of persons whose refugee status has been revoked, there are 1,463 foreigners with refugee status and 2,125 applicants for the status. Most of the applicants live in refugee camps outside larger cities.

15. The State Assistance Programme for Persons with Refugee Status continued in 1998. The Programme is based on the Government's financial assistance to municipalities for the housing of refugees and the development of public infrastructure. However, the assistance is only applicable to persons already holding refugee status and their families, not to applicants for refugee status.

16. The increase of illegal migration (both to and through the Czech Republic) is a very serious problem. In 1998, the relevant authorities identified as many as 44,672 cases of illegal passage through the Czech national border, which was 15,333 more than in 1997. The records maintained by the Police show a growing trend in organized illegal activities associated with the passing and smuggling of people across the border. The traffickers often taken advantage of the migrants' distress which frequently results in situations where the migrants' health or even lives are endangered.

17. Many of those who illegally enter the territory of the Czech Republic are detained and subsequently apply for the refugee status: in this way they temporarily legalize their stay on the Czech territory. However, they never reach refugee camps or leave them soon, trying to cross the Czech border to Germany illegally. Although the asylum-granting procedure is abused for transit to Western European countries, the total number of applicants for refugee status nevertheless remains lower than the number in the EU countries.

II. COMPLIANCE WITH ARTICLES 2-7 OF THE CONVENTION

A. Article 2

1. Legal and administrative measures against racial discrimination

(a) Legal regulations

18. As mentioned in the initial and the second periodic reports (hereinafter the initial report), the key legal regulation addressing protection of human rights and fundamental freedoms in the Czech Republic is the Charter of Fundamental Rights and Freedoms (hereinafter the Charter).

19. The Charter contains the principle of prohibition of discrimination for reasons of race, referred to in article 1 which stipulates that: "people are free and equal in their dignity and in their rights. Fundamental rights and freedoms are inherent, inalienable, unlimitable, and irrepealable".

20. Article 3 of the Charter says that "fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, skin colour, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status".

21. Under article 10 of the Constitution, the International Convention on the Elimination of All Forms of Racial Discrimination is directly binding and prevails over law, which means that the rights contained therein can be directly claimed before a court and in case of conflict with any law, the Convention shall prevail.

22. Further, the Czech Republic is a State party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Prevention and Punishment of the Crime of Apartheid, the International Convention against Apartheid in Sports, the Convention on Discrimination in Employment and Occupation, the UNESCO Convention against Discrimination in Education, the Convention on the Prevention and Punishment of the Crime of Genocide, the European Convention on the Protection of Human Rights and Fundamental Freedoms, and the Framework Convention for the Protection of National Minorities.

(b) Institutional provisions

23. Protection against racial discrimination falls within the jurisdiction of authorities responsible for observance of human rights. As to the legislative power, the following committees are responsible for the protection of human rights and compliance with the obligations resulting from the Convention:

(a) The Petition Committee of the Chamber of Deputies of the Czech Parliament. The Petition Committee has two subcommittees: for the application of the Charter of Fundamental Human Rights and Freedoms, and for national minorities;

(b) The Human Rights, Science, Education and Culture Committee of the Senate of the Czech Parliament.

24. In the executive power area, the Government has several advisory bodies whose activities are closely related to compliance with the obligations ensuing from the Convention. These are as follows:

(a) The Council for National Minorities;

(b) The Inter-ministerial Commission for the Affairs of the Roma Community (for details see paras. 44-47 below);

(c) The Government's Human Rights Commissioner;

(d) The Human Rights Council.[2]

25. The position of the Human Rights Commissioner, who acts, within the range of responsibility of the Deputy Prime Minister and the Chairman of the Legislative Council, as an initiative-taking and coordinating governmental authority in evaluating the status and level of human rights in the Czech Republic, was established under Government Resolution No. 579/1998 of 9 September 1998. However, the Human Rights Commissioner does not have the power to represent individuals who complain about breaches of their rights.

26. In its Resolution No. 809/1998 of 9 December 1998, the Government established its Human Rights Council. The Council, chaired by the Human Rights Commissioner, is a new advisory body of the Government, consisting of equal numbers of representatives of 10 ministries (at the level of Deputy Minister) and representatives of the general public. The Human Rights Council has set up eight additional working groups, each responsible for specific issues relating to human rights. These working groups are as follows:

(a) Against manifestations of racism;

(b) For foreigners' rights;

(c) For civil and political rights;

(d) For children's rights;

(e) For equal opportunities for men and women;

(f) Against torture and other inhuman treatment;

(g) For social, cultural and economic rights;

(h) For human rights education.

27. The main body concerned with the issues of racial discrimination is the working group against manifestations of racism, while the working group for foreigners' rights, for civil and political rights, for human rights education and for social, cultural and economic rights are also involved. The working groups submit their proposals to the Council as the government advisory body.

28. If the Human Rights Commissioner or the Human Rights Council find that the regulation might allow a discriminatory interpretation, they initiate a process of change. The recent review of the Ministry of Interior internal guideline on granting exceptions in submitting photos for identity cards can be mentioned as an example: the guideline could have been interpreted as if exceptions regarding photos with a head covering could only be granted to members of Catholic religious orders but not to, for example, persons practising the Jewish faith. The situation has been corrected by an amendment of the Ministry of Interior Guideline No. 123/1993 Coll. which

executes the Act on identity cards (Ministry of Interior Guideline No. 174/1999 Coll.) so that now anyone applying for an identity document may submit photos with a head covering worn for religious reasons.

29. The Government submitted a draft bill on the Public Rights Protector (Ombudsman) to the Chamber of Deputies. This new institution is expected to enhance the protection of citizens against any inappropriate treatment by State administration offices and institutions, i.e. any acts which might involve signs of racial discrimination. The draft bill was passed by the Chamber of Deputies of the Parliament of the Czech Republic on 4 November 1999.

(c) Measure to implement the recommendations of the Committee

30. For national implementation of the Committee's recommendations as specified in the concluding observations dated 30 March 1998 (CERD/C/304/Add.47), a working group was set up under the Ministry of Foreign Affairs, consisting of representatives of the ministries and non-governmental organizations concerned. (Where the words "recommendations of the Committee" appear hereinafter, they mean the recommendations contained in the concluding observations). The working group terminated its activities in autumn 1998 after the authority in respect of the national implementation of the Convention had been transferred to the Human Rights Commissioner.

31. The working group proposed that the Czech Government make the declaration under article 14 of the Convention to acknowledge the Committee's competence to accept and discuss submissions from individuals and groups complaining about infringement of any of the rights guaranteed by the Convention. The proposal to make such a declaration under article 14, based on the Committee's recommendation (para. 27), was supported by the Council for National Minorities (advisory body for the Government's policy in relation to persons belonging to minorities) at its November 1998 meeting. The Ministry of Foreign Affairs initiated the respective legislative procedure, which is to be completed by the end of 1999. At its meeting on 29 July 1999, the Government approved the document concerning such a declaration under article 14 of the Convention and recommended to the Parliament to express its endorsement of such a declaration. The national procedure leading towards making such a declaration is expected to be completed by the end of 1999.

32. Such a declaration to be made under article 14 of the Convention to the effect that the Czech Republic acknowledges the Committee's competence to accept and discuss submissions from individuals and groups, will add another opportunity for national authorities to investigate infringements of the rights guaranteed by the Convention and will also make it possible to resort to the Committee as an international body monitoring compliance with the Convention.

33. Other measures relating to the implementation of the Committee's individual recommendations are referred to in the respective sections of this report.

34. A Report on the Steps Taken by Governmental Authorities to Punish Crimes Motivated by Racism and Xenophobia or Committed by Supporters of Extremist Groups in 1997 was sent to the Committee upon recommendation of the Ministry of Interior. On 19 March 1999, the Czech Government passed its Resolution No. 192 on this report. On 14 July 1999 the

Government passed its Resolution No. 720 to approve the Report on the Steps Taken by Governmental Authorities to Punish Crimes Motivated by Racism and Xenophobia or Committed by Supporters of Extremist Groups and on the Activities of Extremist Groupings on the territory of the Czech Republic in 1998, which will also be sent to the Committee. Both reports provide evidence of the governmental authorities' efforts to punish criminal activities involving racist or xenophobic aspects. The reports contain, among other information, a survey of the cases recorded by the Czech Police involving suspicion that the crime or offence concerned was motivated by racial or ethnic intolerance or that it was committed by supporters of extremist groups, irrespective of the final qualification of the act under criminal law. Both reports provide a detailed summary of all the recorded cases of attacks with a racist motivation and cases of inter-ethnic conflicts.

2. Measures to secure adequate development of ethnic (racial) groups and persons belonging to them

(a) General provisions concerning minorities

35. As indicated in the initial report, the Constitution of the Czech Republic lays down in its article 6 that "the decision-making of the majority shall see to the protection of minorities". The Charter of Fundamental Rights and Freedoms provides the following guarantees in its article 3:

> "1. ...
>
> "2. Everybody has the right to a free choice of his or her national identity. Any form of influencing this choice is prohibited, just as any form of pressure aimed at suppressing one's national identity.
>
> "3. Nobody may be caused detriment to his or her rights because he or she asserts his or her fundamental rights and freedoms."

36. In its article 24, the Charter lays down that "the national or ethnic identity of any individual shall not be used to his or her detriment".

37. Article 25 of the Charter defines the following rights of persons belonging to minorities:

> "1. Citizens who constitute national or ethnic minorities are guaranteed all-round development, in particular the right to develop with other persons belonging to the minority their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations. Detailed provisions in this respect shall be set by law.
>
> "2. Citizens belonging to national and ethnic minorities are also guaranteed, under conditions set by law,
>
> (a) the right to education in their language,
>
> (b) the right to use their language in official contact,

(c) the right to participate in the settlement of matters concerning persons belonging to national and ethnic minorities"

38. On 28 April 1995, the Czech Republic acceded to the Framework Convention for the Protection of National Minorities which was later endorsed by the Parliament of the Czech Republic and then passed by the Parliament under article 39, paragraph 4, of the Constitution of the Czech Republic as an international treaty on human rights and fundamental freedoms within the meaning of article 10 of the Constitution; the Czech Republic ratified the Framework Convention in 1997. The Framework Convention for the Protection of National Minorities became universally applicable pursuant to its article 28, paragraph 1, on 1 February 1998 and for the Czech Republic it entered into force on 1 April 1998 under paragraph 2 of the same article. Its Czech translation was published in the Collection of Laws on the same date. On 1 April 1999, i.e. within one year after its entry into force for the Czech Republic, the Czech Republic presented complete information on the legislative and other measures it had adopted to implement the principles of the Framework Convention to the Secretary General of the Council of Europe in accordance with article 25, paragraph 1, of the Framework Convention.

39. The Ministry of Foreign Affairs of the Czech Republic initiated the national procedure leading to the signing of the European Charter for Regional or Mnority Languages. The procedure is to be completed by the signing of the Charter in Strasbourg in early 2000.

(b) Representation of minorities in State administration authorities and local self-government bodies

40. The Council for National Minorities continued examining the issue of minorities and their development in the period under review. The Council for National Minorities had been established by Government Resolution No. 259/1994 as an advisory, initiative and co-ordination body in respect of the Government's policy towards persons belonging to minorities (see the initial report). The Council for National Minorities has 12 appointed members, representing six minorities: the Roma and Slovak minorities are each represented by three members, the Polish and German minorities have two representatives each, and the Ukrainian and Hungarian minorities have one representative each. The Council is chaired by the Government's Human Rights Commissioner.

41. Besides the Council for National Minorities, minorities are also represented in the advisory bodies of the Ministry of Education, Youth and Sports and the Ministry of Culture. Advisers on matters relating to the Roma minority also serve at the Ministry of Interior, Ministry of Labour and Social Affairs and Ministry of Foreign Affairs.

42. Representation of minorities in local self-governments is important mainly in respect of the Polish minority which is the only minority forming compact settlement on the territory of the Czech Republic (in the area around Tesin). The Coexistence Political Movement, representing the Polish minority, has 49 deputies elected in the 1998 local elections, in 21 towns and villages of the region. Another 63 deputies who claim to belong to the Polish minority were elected as representatives of other political parties. There are six Polish mayors among them: two were elected as independent candidates, three for the Czech Social Democratic Party and one for the Civic Democratic Party.

43. The State administration, specifically district authorities, employ advisors on Roma issues under Government Resolution No. 686/1997 of 29 October 1997. By 1 January 1999 as many as 81 such advisers had filled the relevant positions. However, this position is not conditional on belonging to the Roma minority.

(c) The Inter-Ministerial Commission for the Affairs of the Roma Community

44. On 29 October 1997, the Government acknowledged the Report on the Situation of the Roma Community in the Czech Republic submitted by Minister Pavel Bratinka. The report stated that the status of the Roma people in numerous ways was bad and called for urgent solutions to the accumulated problems. At the same time, the Government assigned ministers and other leading officials with specific tasks aimed at resolving those problems. In its Resolution No. 686/97, passed in October 1997, the Government adopted a package of measures which included 41 tasks assigned to 11 ministers. Most of these tasks are of a long-term nature and their performance is continuously monitored. A report on the fulfilment of these tasks is submitted to the Government twice a year - the latest report was submitted to the Government in October 1999. (See the activities relating to article 5 of the Convention, as pursued by the Ministry of Labour and Social Affairs, Ministry of Education, Youth and Sports and Ministry for Regional Development.)

45. Although the Roma minority, like the other minorities, is already represented in the Council for National Minorities, the Government established its Inter-Ministerial Commission for the Affairs of the Roma Community in 1997 as a new advisory body dealing exclusively with issues relating to the Roma minority. The reason is that the Roma minority's problems differ qualitatively from those of other minorities. In the case of the Roma, the questions include not only those concerning the development of their language and culture but also the substantial difficulties in coexistence with the majority society. Both the objective cultural differences and social reasons contribute to these difficulties. Persons belonging to the Roma minority frequently become victims of racial attacks and their lives are heavily affected by fears for personal security, which adds to the Roma minority's specific problems.

46. Like the secretariats of the Council for National Minorities and the Human Rights Council, the office of the Inter-Ministerial Commission is organizationally included in the structure of the Office of the Government of the Czech Republic. Also, this Commission is chaired by the Human Rights Commissioner. In December 1998, the Inter-Ministerial Commission was expanded: a representative of the Ministry of Health was included in it and the number of Roma representatives in the Commission was doubled from 6 to 12, thereby balancing the proportion of Roma representatives and ministerial officials. To improve the quality of the Commission's work between its meetings, a twinning programme has been introduced: each of the ministerial representatives closely cooperates with one of the Roma representatives, addressing their respective topical issues jointly and jointly submitting proposals on more serious matters to be addressed by the Commission as a body. The status of the Inter-Ministerial Commission allows for the creation of working groups consisting of Roma representatives and experts in the specific issue being addressed. The working groups work on their respective specific issues and submit their results to the Commission. The new structure of the Commission allows for a fuller involvement of Roma representatives in the Commission's decision-making process.

47. The work of the Inter-Ministerial Commission has so far been mainly focused on three major issues for which the Commission created its working groups. These are: increasing the Roma's employment rate, supporting the Roma's feeling of security and reintegrating those who have returned from emigration. The working group seeking opportunities for increasing the Roma's employment rate has submitted a number of intiatives to the Ministry of Labour and Social Affairs; many of them have been included in the National Employment Plan. The members of the working group addressing the security issues are - together with officials of the Ministry of Interior - represented in a special inter-ministerial working group established by the Interior Minister's deputy responsible for public order and security on 25 February 1999. This group studies current issues and its work is expected to help to improve the relationship between the Czech Police and the Roma, and to develop a confidence-building climate. In addition, the Inter-Ministerial Commission seeks to improve general awareness of the Roma, their traditions, their history (including the Nazi genocide) and their current problems.

(d) New concept of coexistence with the Roma

48. On 7 April 1999, the Czech Government adopted the Concept of Government Policy towards Members of the Romany community Facilitating Their Integration into the Society, submitted by the Chairman of the Inter-Ministerial Commission for the Affairs of the Roma Community. Besides proposing measures to improve the Roma's position on the labour market, the concept also addresses issues of changes in the education system, enhancement of conditions for a democratic development of the Roma representation, and support of the co-operation between the Roma people and organizations with the local and regional authorities and bodies.

49. The idea underlying the new concept is the effort towards a substantial change in the relations and attitudes of the majority society to the Roma minority. Such a change is to be achieved step by step and should cover as many citizens as possible; however, the change must first be made in the attitudes of employees and officials in State administration and in local self-government bodies. The essence of such a turnover is recognition that the Roma ethnicity is an asset which enriches the society at large in its multiculturalism. According to the new concept, the integration of the Roma should not be based on assimilation, towards which the majority society inclines, but on their emancipation.

50. An important feature of the concept is the recognition of the Roma language as a minority language whose two dialects, East Slovakian and Vlaxiko, deserve to be protected and conditions should be provided for their development, also because of the large number of their speakers.

51. The new concept also envisages the principle of affirmative action which, however, does not have the character of ethnic or race quotas; rather it is represented by efforts to support Roma employment, education, etc. Another important objective is to provide conditions under which Roma representatives can be adequately involved in the decision-making processes regarding their community. Part of the concept is also an increased educational effort to help all citizens of the Czech Republic assume tolerant, multicultural attitudes.

52. The concept also considers the establishment of a governmental authority that will monitor all cases of discrimination and will be furnished with appropriate powers (the Ethnic Equality Office). The idea needs to be further developed; discussions will have to be held to determine whether and in what form the new office will be established.

(e) Tackling the issue of coexistence with the Roma on the international level

53. On 7 October 1998, the Ministry of Foreign Affairs submitted to the Czech Government its Information on the Impact of the Roma Issues on the Foreign Policy of the Czech Republic. The document was discussed by the Government, and the ministry of Foreign Affairs, taking into account the fact that the Czech Republic tackles problems similar to those faced by other European countries with relatively numerous Roma minorities, submitted to the Organization for Security and Co-operation in Europe (OSCE) its initiative aimed at strengthening the European dimension of the protection of the Roma ethnic group. The initiative was supported by the OSCE Standing Council and, later, OSCE support was confirmed by the 7th Meeting of the OSCE Ministers Council in Oslo (2 and 3 December 1998). At that meeting it was decided on the basis of the Czech initiative, to strengthen the Roma/Sinti Contact Point established as part of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

B. Article 3 - Prohibition of racial segregation and apartheid

54. The Czech Republic, as a successor State to the former Czech and Slovak Federal Republic, is a State party to the International Convention on the Prevention and Punishment of the Crime of Apartheid (published in the Collection of Laws under No. 116/1976).

55. The Penal Code also contains article 263a on persecution of the population, which penalizes the practices of apartheid or other inhuman acts arising from racial discrimination during war, but not in peacetime. In peacetime, it is possible to use the provisions of articles 260 and 261 of the Penal Code (see below).

C. Article 4 - Legislative measures against proclamation of racial hatred and violence against racial and ethnic groups

1. Provisions of the Penal Code

56. As referred to in the initial report, the Czech Penal Code (Act No. 140/1961), as amended, contains the following provisions:

"Article 196
"Violence against a Group of Citizens and against an Individual

"(1) Who threatens a group of citizens with killing, bodily harm or extensive damage shall be punished by imprisonment for up to one year.

"(2) Who uses violence against a group of citizens or an individual or threatens them with killing, bodily harm or extensive damage for their political conviction, ethnicity, race, religion or absence thereof shall be punished by imprisonment for up to two years.

"(3) Punished as per Paragraph 2 above shall be any person who conspires or riots for the purpose of committing such an act."

"Article 198
"Defamation of Nation, Race and Conviction

"(1) Who publicly defames
"(a) any nation, its language or any race, or
"(b) any group of citizens of the Republic for their political conviction, religion or absence thereof, shall be punished by imprisonment for up to one year.

"(2) Punished by imprisonment for up to three years shall be any offender who commits any act referred to in Paragraph 1 above with at least two other persons.

"Article 198a
"Incitement to Ethnic and Racial Hatred

"(1) Who publicly incites to hatred to any nation or race or to infringement on the rights and freedoms of the members thereof shall be punished by imprisonment for up to one year.

"(2) Punished as above shall be any person who conspires or riots for the purpose of committing such an act."

"Article 259
"Genocide

"(1) Who, with the intent to destroy completely or partially any national, ethnic, racial or religious group,
"(a) introduces the members of such a group into such conditions of life as should be conducive to their complete or partial physical destruction,
"(b) carries out measures aimed at the prevention of birth of children in such a group,
"(c) forcibly transfers children from one such group to another,
"(d) causes serious bodily harm or death to any member of such a group, shall be punished by imprisonment for twelve to fifteen years or by an extreme penalty.

"(2) Punished as above shall be any person who takes part in an act referred to in Paragraph 1 above.

"Article 260

"Support and Promotion of Movements Seeking to Suppress Citizens' Rights and Freedoms

"(1) Who supports or promotes any movement which conclusively seeks suppression of the rights and freedoms of citizens or who proclaims national, racial, class or religious hatred shall be punished by imprisonment for one to five years.

"(2) Punished by imprisonment for three to eight years shall be any offender if such an offender

"(a) commits any act referred to in Paragraph 1 above through the press, film, radio, television or any other similarly effective media,

"(b) commits such an act as a member of an organized group, or

"(c) commits such an act when the country is in the state of emergency.

"Article 261

"Who publicly expresses sympathies to fascism or any other similar movement as referred to in Article 260 above shall be punished by imprisonment for six months up to three years.

57. Further, criminal acts qualified such as those shown below are also treated as related to racial hatred and violence against racial and ethnic groups:

Article 219/2g - murder motivated by race, ethnicity, political conviction, religion
Article 221/2b, Article 222/2b - bodily harm motivated by race, ethnicity, political conviction, religion
Article 235/2f - extortion motivated by race, ethnicity, political conviction, religion
Article 236 - infringement on the freedom of religious belief
Article 257/2b - damage to a third party's effects motivated by race, ethnicity, political conviction, religion
Article 263a - persecution of the population."

2. Illegality of civic associations promoting racial discrimination

58. The right to free association is regulated in article 20 of the Charter, which guarantees the right to associate freely in clubs, societies and other associations, to form political parties and political movements. However, as already mentioned in the initial report, prohibition applies (under article 4 of Act No. 83/1990 on the Associating of Citizens) to associations whose purpose is to deny or restrict the personal, political or any other rights of citizens for their ethnicity, sex, race, origin, political or other conviction, religion and social status, to incite hatred and intolerance for such reasons, to support violence or otherwise infringe on the Constitution and laws. The problem is with the activities of certain associations which seek to deny or restrict the rights of citizens without specifying such objectives in their by-laws, to which registration cannot therefore be denied. This is why the Ministry of Interior did not refuse to register any association for reasons referred to in the provisions of article 4 of Act No. 83/1990 between 1993 and 1999.

59. No change in legal regulations pertaining to the associating of citizens occurred over the period under review. However, the draft of a new law on associating in clubs, societies and other associations is to be prepared and submitted to the Government before the end of 1999.

60. Any association which has already been registered under article 12, paragraph 3, of Act No. 83/1990 may and should be disbanded if it has been proved that such an association pursues a prohibited activity, i.e. that its actual purpose is to deny or restrict personal, political or any other rights of citizens for their ethnicity, sex, race, origin, political or other conviction, religion and social status, and to incite hatred and intolerance for such reasons.

61. In its Resolution No. 686/1997, the Government assigned the Minister of Interior to check whether any civic associations pursue any activities promoting racial intolerance, fascism or national intolerance, and, if so, to order them to abandon such activities. Should the association in question continue to pursue such activities, the Government has assigned the Minister of Interior to disband such an association.

62. The Government's Human Rights Commissioner, having been invited by Prime Minister Miloš Zeman to do so, prepared a proposal of measures against movements seeking to suppress the rights and freedoms of citizens. The proposal was adopted in Government Resolution No. 789/1999, whereby the Ministry of Interior was to adopt measures conducive to the disbanding of associations pursuing activities aimed at infringement on or denial of personal, political or other rights of citizens for their ethnicity, sex, race, origin, political or other conviction, religion and social status, or to incitement of hatred and intolerance for such reasons. On 1 November 1999, the Minister of Interior informed the Government that such a measure - an appeal to the associations promoting racial intolerance to cease those activities - has been used, in accordance with the law, in the case of the ultra-right-wing associations Vlastenecka Fronta (Nationalist Front) and Narodni Aliance (National Alliance).

3. Steps taken against political parties or movements

63. The formation of political parties and their activities are restricted by the provisions of article 4 of Act No. 424/1990 which lays down that the formation and activities of parties whose programme or activities endanger the rights and freedoms of citizens shall not be allowed. The mechanism of denying registration to a political party, suspending its activities and its disbanding by the Supreme Court was described in the initial report. This legal procedure has never been used against any political party.

64. The only political party whose activities systematically involve xenophobic or even racist features is the Association for the Republic - the Republican Party of Czechoslovkia (SPR/RSC). Over the period 1992-1998, SPR-RSC was among parliamentary parties. CERD noted with concern in its concluding observations (para.11) that a political party represented in the Parliament of the Czech Republic promoted racial discrimination and published a journal which disseminated racist propaganda and ideas of racial superiority aimed against the national minorities living in the country. Representatives of non-governmental organizations, particularly representatives of the Roma minority, repeatedly demanded legal steps to be taken against SPR-RSC, i.e. suspending of its activities by the Ministry of Interior and disbanding of the party by the Supreme Court. In 1998 the dangers represented by SPR-RSC diminished objectively

because the party failed to reach the 5 per cent threshold for entering the Chamber of Deputies of the Parliament of the Czech Republic. The team of the party's leaders has disintegrated, some of the leaders left the party and some even apologized to the public for their previous statements. On 23 June 1999 one of SPR-RSC's ideologists, Tomas Kebza, was sentenced for his racist statements published in the party's weekly, Republika, to a three-year term in prison, suspended for five years (on probation), and, in addition, to a ten-year ban on publishing activities.

65. In accordance with the recommendations of the Committee, referred to in paragraph 17 of its observations, the Ministry of Interior proposed to the Government to accept a substantial change in the Reports on the Steps Taken by the Governmental Authorities to Punish Crimes Motivated by Racism and Xenophobia or Committed by Supporters of Extremist Groups, which are submitted to the Government every year. Under Government Resolution No. 720/1999, the Security Information Service shall prepare by 31 March 2000, together with the Ministry of Interior, an information document concerning the associations of citizens, political parties and movements registered with the Ministry of Interior; the document will provide a basis for deciding whether the next report is to indicate the names of the associations and/or political parties and movements which are perceived by governmental authorities or the general public as sources of problems or as organizations with dubious goals. These would include, for the most part, the associations in respect of which there exists justified suspicion, relying on the knowledge of the Security Information Service and the Czech Police, that some of its members pursue extremist activities.

D. Article 5 - Rights specifically guaranteed by the Convention

1. The right to equal treatment before the courts

66. The right to judicial protection is guaranteed under article 36 of the Charter, as referred to in the initial report. Both Czech citizens and foreign nationals enjoy equal position in proceedings before the courts. In criminal proceedings, they are entitled to the services of an interpreter. Article 18 of the Civil Judicial Procedure Act guarantees that parties to proceedings before courts enjoy the right to use his or her mother tongue in court. No changes have occurred in this respect since the submission of the initial report.

67. In practice, mainly solicitors and non-governmental organizations monitoring observance of human rights point at the advisability and, in specific cases, even the necessity of the State offices providing ex officio a full translation of all the written documentation into a language understandable to the defendant. This is expected with the amendment of the Law on Criminal Proceedings which is now under preparation. The full practice of such a requirement has been limited owing to financial and time constraints.

2. The right to freedom and security of person and protection against violence and bodily harm

(a) The right to personal freedom

68. The right to protection of personal freedom is guaranteed under article 8 of the Charter, as referred to in the initial report. This right is enjoyed by everybody irrespective of his or her legal capacity and irrespective of whether he or she is a Czech citizen or a foreign national, or a stateless person. No change has been made in this area since the submission of the initial report.

69. However, foreigners may consider it a disadvantage that in cases of criminal proceedings, courts decide to detain foreigners more frequently than in cases of Czech citizens. These are mainly cases of so-called "flight detentions", since a foreign national having a valid passport may easily leave the country to abscond.

70. Deportation of foreigners from the Czech Republic may be effected:

(a) Pursuant to a final decision of a court (in accordance with the pertinent provisions of the Penal Code);

(b) Pursuant to a decision of the Ministry of Interior in accordance with article 16 of Act No. 123/1992 on the stay of foreigners on the territory of the Czech and Slovak Federal Republic, as amended. If the foreigner has a valid passport and a deportation procedure has been started, the foreigner is detained on remand. The statutory period of holding a foreigner in custody is 30 days but the Police do their best to deport such a person as soon as possible. However, if the foreigner does not have a valid passport, the 30-day period of custody is fully used. In many cases, embassies are unable to verify the foreigner's identity in 30 days and issue a new passport to enable the deportation, in such a case the foreigner must be released from police custody once the 30-day period expires. He or she is then given an exit visa for leaving the country, the validity of the document being as a rule limited to 30 days.[3]

(b) The right to security and protection against violence and bodily harm

71. In respect of protection in criminal proceedings, the protection of the individual's personal freedom is regulated by the provisions mentioned above (relating to article 4).

72. The key issue relating to the security of persons belonging to minorities, particularly the Roma, is the threat from more or less organized extreme nationalist, and even neo-fascist groups whose members are usually referred to as skinheads. They have pursued their activities on the territory of the Czech Republic since 1990. Until 1989, racism had been present inside the Czech society largely in a latent form, for example in relation to the Vietnamese people; the repressive regime existing in the country before 1989 did not allow statistically significant manifestations of racism to take place. The current racist groups are similar to each other in their outer manifestations but their ideologies vary: some profess "merely" Czech nationalism whereas others belong to supranational neo-Nazi associations operating all over Europe. All of

them demonstrate hatred for groups differing from the majority population, especially the Roma, through street gatherings, concerts, publication of recordings and periodicals, and also verbal and physical attacks.

73. The measures taken by the State to enhance protection against racist attacks include the amended Penal Code which became effective on 1 September 1995. This amendment lays down that if certain criminal acts such as murder, bodily harm, damage to a third party's effects, etc. are committed on anybody for his or her "race, ethnicity, political conviction, religion or absence of religion", then such circumstances must be treated as justifying a stricter punishment.

74. The instruction of the Minister of Justice that presidents of courts review the lawfulness of decisions in cases which have been closed with finality and initiate complaints about violation of law in justified cases, remains in effect.

75. Complaint about violation of law has been raised twice in proceedings against the skinheads who caused the death of a 17-year-old Roma boy, Tibor Danihel, in Pisek in October 1993. The case was returned to the Regional Court in Ceske Budejovice on the basis of a complaint about violation of law filed in 1997 by Vlasta Parkanová, then Minister of Justice; this requirement, initiated by Senator Pavel Rychetský (currently Deputy Prime Minister and the Chairman of the Government's Council for Legislation) was unanimously supported by the Senate of the Czech Parliament. In 1998 the principal culprits were sentenced on charges of racially motivated murder to punishments applicable to adolescent offenders (adolescents aged 15 to 18 years may be sentenced for murder to five- to ten-year terms in prison). Although in January 1999 the High Court cancelled the ruling of the Regional Court for formal procedural reasons, Minister of Justice Otakar Motejl filed a compaint about violation of law against the ruling of the High Court. On 27 May 1999 the Supreme Court of the Czech Republic upheld the complaint. On 30 June 1999 the High Court turned down the defendants' appeal against the ruling of the Regional Court and confirmed the original judgement in terms of both the guilt and the punishment.

76. During the night from 7 to 8 November 1997, two skinheads attacked two Sudanese students in the district of Prague 3, cutting the tendons on the hand of one of them while the other, Hassan Elamin Abdelradi, died of the injuries he had suffered. The principal offender was accused of racially motivated murder under article 219, subsection 2, paragraph (g), of the Penal Code. On 23 March 1998 the City Court in Prague sentenced the principal in the first degree to 14.5 years and the principal in the second degree to 7.5 months. Both defendants appealed the ruling. On 9 September 1998, the appellate court reduced the sentence for the principal in the first degree by one year and suspended that of the other defendant for three years.

77. On 15 February 1998, two or more skinheads attacked at Vrchlabí a 26-year-old Roma woman, mother of four children, Helena Bihăriovă. They insulted her with racist epithets, beat her and then threw her down to the river Elbe. A 48-year-old woman (a journalist) tried to help Helena Bihăriovă but was not strong enough to save her. Both defendants were found guilty. One of them was sentenced to eight years and six months and the other to six years and six

months. However, the court determined that the case had been motivated by a personal conflict not racially. In addition, the defendants were not charged with murder but extortion resulting in death. In February 1999 the Regional Court in Hradec Králové accepted the appeal filed by the principal in the second degree and changed his term to one year and three months.

78. During the night of 16-17 May 1998 a group of skinheads attacked, first verbally and then physically, three Roma men returning from a restaurant. They attacked Milan Lacko (40) by beating and kicking; he remained lying on the road and several minutes later a car rode over him. On 26 October 1998 the District Court in Karviná found the attackers guilty of merely an attempt at a light bodily harm and breach of the public peace, and sentenced them to suspended punishments. This verdict was cancelled by the ruling of the Regional Court in Ostrava on 30 April 1999, and the case was returned to the Karviná District Attorney to conduct additional investigations. Having determined that the case had not been properly investigated, the appellate court returned the case to the preparatory stage of investigation procedure rather than to the court of first instance.

79. Information from the Ministry of Justice and non-governmental organizations (Documentation Center for Human Rights, Movement of Civic Solidarity and Tolerance, the Czech Helsinki Committee) provides grounds for drawing conclusions regarding the total number of victims of racially motivated attacks in the period from 1990 to 1998. Over that period, racially motivated attacks led to the death of 13 persons (or more), including 11 Roma and 2 foreigners (citizens of Turkey and the Sudan). In seven cases the perpetrators were sentenced for the criminal offence of murder, in four cases for less serious offences, and in two cases they were not sentenced at all.

80. Eight of these 13 racially motivated attacks which resulted in death were committed between 1990 and 1993. The frequently cited claim that the number of racially motivated attacks increased only after 1994 should probably be ascribed to statistical effects. The low number of all racially motivated offences (including verbal attacks) recorded before 1994 is probably due to factors such as the following: before 1994 the Czech Police did not have departments specializing in this type of crime, the police and the courts underestimated the racial aspects of crime, and racial manifestations were not systematically recorded. Hence, it is difficult to make any valid comparisons. There had been no separate records on "criminality with extremist motivation" until the end of 1997, and even the official records for 1998 were found to contain significant errors, so that no serious conclusions can be drawn from them. Thorough checks of the statistics on extremist criminality have only been in place since 1 January 1999; hence, the statistics for the first half of 1999 provide the first data offering a true reflection of the actual numbers of identified criminal acts with extremist motivation (predominantly racist). Nevertheless, it is possible that even these records fail to reflect all the racially motivated attacks, both physical and, particularly, verbal, which have been committed in reality. It is a well-known fact that many of the less dangerous attacks are not reported by persons belonging to the Roma, Vietnamese and other minorities.

81. As suggested by information from the Ministry of Interior, until 1997 the prosecution of racially motivated attacks was affected by a lack of uniformity in the interpretation of the Penal Code's provisions applicable to such attacks. The measures which have helped to unify the practice of the courts as well as the practice of the police include the workshops organized by

the Investigation Office for the Czech Republic, the publication entitled "Extremism" issued by the same Office and the establishment of a new advisory body under the Attorney-General's Office at Brno. These advisers are authorized to develop unifying interpretations and positions relating to the issue of racially motivated crime. All the constituent authorities of the judiciary and police involved in the prosecution of these criminal activities are represented on the new advisory body.

82. With a view to creating the conditions for thorough investigation of all racially motivated criminal acts, the Attorney-General issued a general guidelines on 15 May 1995 laying down the details of the procedure to be followed by the prosecution in handling such acts; it is still in effect. This guideline places emphasis on the speed of the procedure and assigns specific responsibilities to the prosecutors in respect of the supervision of the cases before an action is filed and during the representation of the plaintiff in court. The Ministry of Justice believes that the increased number of criminal proceedings relating to racially motivated crime in the period 1997-1999 proves that the prosecutors are following the guideline and paying increased attention to racially motivated offences. A particularly marked increase was recorded in 1998 in comparison with 1997 in the number of punished cases of offences committed through printed material and other offences, such as for example wearing fascist symbols and other manifestations of support for fascism.

83. In 1998, the courts in the Czech Republic handed down final sentences to 138 persons (eight more than in 1997) for racially motivated offences, including 13 who were sentenced to prison terms without suspension. The latter number includes six who were sentenced to terms shorter than a year and seven to terms longer than one year. During the first half of 1999 - as indicated by the records of the Ministry of Justice - the Czech Police investigated 266 persons for racially motivated offences and actions were filed in 238 cases. Over the same period, 81 persons received final verdicts for offences motivated by racial intolerance, including seven terms without suspension.

84. In spite of certain partial improvements, the Roma people in particular believe that the current status of protection against violence and bodily harm is unsatisfactory. Lack of confidence in the police and the claim that their security is not guaranteed appear very frequently among the reasons stated by Roma applicants for refugee status in Canada and Western European countries.

85. The Inter-Ministerial Commission for the Affairs of the Roma Community, cooperating with the Ministry of Interior, has made several successful positive steps towards improving the security of the members of the Roma minority. The Ministry of Interior currently has three new Roma Officials who have the opportunity to influence the security policy. The Ministry of Interior organized preparatory training courses for Roma persons wishing to serve in the police. The number who passed the course successfully was not high: five out of seventeen. However, it was appreciated that all left the course with a strong motivation for work in governmental or public service.

86. Repression can never be the only solution to racially motivated crime. With this in mind, the Government in its Resolution No. 789/1999 assigned the Human Rights Commissioner to work out, in cooperation with the Minister of Labour and Social Affairs, a pilot programme for

the resocializing of perpetrators of less serious racially motivated offences. The purpose of programme is to use alternative penal methods under the supervision of the probation service.

3. Political rights

87. The right to take part in the management of public affairs as one of the fundamental political rights is guaranteed in article 21 of the Charter, as referred to in the initial report. This is a universal type of right enjoyed by every citizen irrespective of sex, ethnicity, religion or political allegiance. Within the meaning thereof, no legal regulation of any legal force, nor any practices of the State's power may discriminate against or give priority to any group of citizens for their sex, race, colour of skin, language, faith and religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, or other status.

88. By the operation of Act No. 40/1993 Coll., citizens of the former Czech and Slovak Federal Republic having permanent residence in the territory of the Czech Republic who became citizens of the Slovak Republic as of 1 January 1993 lost, in addition to a number of social rights in the Czech Republic, their right to vote which they had enjoyed in the territory of the Czech Republic until that time. Until the end of 1992, the right to vote had been based on the principle of permanent residence. This means that those citizens who lived in the Czech Republic could vote or themselves be elected to the Czech National Council (today the Chamber of Deputies of the Czech Parliament) - not to the Slovak National Council. However, it was precisely the Czech National Council who deprived those voters of their voting rights by passing its Act No. 40/1993 Coll. This issue had largely been resolved on a case-by-case basis. The problem will be completely overcome by means of an amendment to the Act on the Acquisition and Loss of Citizenship (see below).

89. The draft amendment to Act No. 152/1994 on Elections to Local Assemblies and on Change and Amendment to Certain Other Laws, as amended in Act No. 247/1995, envisages that the right to vote and to be elected will be modified to the effect that foreign nationals should also enjoy the right to vote (under the same conditions as Czech citizens) in local elections if any provision to that end is contained in an international convention binding on the Czech Republic. Thus, the right to vote will be granted to citizens of other States who have permanent residence in the territory of the Czech Republic, provided that the Czech Republic has signed bilateral treaties with such other States or both countries are parties to a multilateral convention.

4. Other civil rights

(a) Right to freedom of movement and right to leave any country, including one's own

90. The freedom of movement and stay as one of the fundamental freedoms is guaranteed in article 14 of the Charter, as referred to in the initial report where this issue is addressed in detail. However, in the light of the latest developments it is necessary to pay specific attention to two general issues relating to migration - several thousand Roma have left the Czech Republic - and the situation concerning the stay of foreigners in the territory of the Czech Republic.

91. What has changed since the initial report is that in the summer of 1997 significant numbers of persons belonging to the Roma minority started leaving the Czech Republic and applying for refugee status, first in Canada and then, after the introduction of visas on the Canadian side, in Great Britain and (to a lesser extent) in other countries of the European Union.

92. In respect of the right to freedom of movement, specific attention should also be paid to the legal rights enjoyed by foreign nationals, with particular regard to the regulations on the possibility of foreigners' stay/residence in the Czech territory and the possibility of appealing prohibition to stay in the Czech Republic. The current legal regulation concerning the protection of the rights of foreigners staying in the Czech territory (Act No. 123/1992 on the Stay of Foreigners in the Territory of the Czech Republic, as amended) is no longer satisfactory in the light of the increasing importance and complexity of the issue. A significant improvement is represented by the two decisions of the Constitutional Court of 1998 (published in the Collection of Laws under No. 159/1998 and No. 160/1998) whereby the Court abrogated, with effect from 13 May 1999, two provisions of the Act on the Stay of Foreigners in the Czech Territory on the grounds that the provisions were unconstitutional. These two decisions of the Constitutional Court strengthened the legal position of foreign nationals in the Czech Republic as to the use of legal remedies in respect of decisions prohibiting their stay in the Czech Republic (art. 14, subsection. 1, para. f - the non-dilatory effect of the appeal revoked) and decisions on the recognition of the foreign nation's right to judicial review of administrative decisions made pursuant to the Act on Foreigners (art. 32, subsect. 2). These issues are addressed by the new legal regulations included in the new Act on the Stay of Foreigners, approved by the Chamber of Deputies of the Czech Parliament on 31 October 1999 (see note 3).

93. The lack of a logical, and necessary, transition from a foreign national's long-term stay to permanent residence can be regarded as a weak point of the current legislation and the practice followed in awarding residence permits to foreigners. As a result, the long-term security of stay of immigrants is not sufficiently guaranteed, although such a guarantee is essential for their successful integration in the society at large. This issue is also to be addressed in the new legislation on the stay of foreigners.

94. As to applicants for refugee status, a substantial change was made on 1 October 1998 when the authority to accept and administer refugee applications was transferred from the Police of the Czech Republic to the Interior Ministry's Department for Refugees and Integration of Foreigners. In April 1999 the appellate instance was also reformed. Special appellate (remonstrate) commissions have been set up to act as advisory bodies to the Minister of Interior.

95. Czech governmental authorities do not resort to forced repatriation to countries in which the health, life or freedom of refugees might be at risk. However, we still lack a legal framework within which we could address the situation of those migrants who fail to qualify for refugee status but cannot be returned to the country of origin for humanitarian or other reasons. A solution may, for example, be based on the introduction of temporary stay for humanitarian reasons. The statistics of applicants for refugee status - cited in the General part - do not include those whose applications for refugee status have been turned down twice. As they are no longer regarded as applicants for refugee status they are not entitled to social support by the Czech State but, as a rule, they are not even allowed to leave the refugee camp; thus they find themselves in a very difficult social situation.

96. Besides the new legislation concerning stay of foreigners, the above issues will also be addressed in the Refugee Act. Both bills are currently being debated in the Parliament of the Czech Republic.

(b) Right to nationality

97. Act No. 40/1993 on the Acquisition and Loss of Citizenship of the Czech Republic has been criticized since 1993 by non-governmental organizations and the international public because it addressed the issue of citizenship of the successor State - the Czech Republic - without respect to the will of the individuals who had been citizens of the former Czech and Slovak Federal Republic and had their permanent residence in the territory of the Czech Republic. The decisive criterion was the citizenship of one of the republics of the former Federation (in accordance with Act No. 165/1968 on the Principles of Acquisition and Loss of Citizenship, and Act No. 39/1969) rather than the will of the citizen of the former federation, or his or her permanent residence. As distinct from federal citizenship, the citizenship of the constituent republics of the Federation had no practical importance at all, except for the "parity" allocation of positions in the federal Government between citizens of this or that republic. It was not even indicated in the personal documents.

98. Czech, other countries' and international organizations monitoring human rights systematically pointed out that on the basis of Act No. 40/1993, the majority of Roma, who until then had permanently resided in the Czech Republic, had been deprived of the Czech citizenship. For various reasons, many of them were unable to opt for Czech citizenship which could only be done before 30 June 1994 and solely under the condition defined in article 18 of the above Czech Act. The most bitterly criticized condition was that contained in article 7, subsection 1, paragraph (c), whereby Czech citizenship could only be awarded to an applicant who had not been effectively sentenced for a wilful offence during the past five years. The same conditions (except for the required length of permanent residence in the Czech territory which was, upon expiry of the option period, extended from two to five years) were also stipulated in respect of citizenship awarded upon request. In addition, the process itself of qualifying as an applicant for citizenship was so costly and so complicated from the administrative point of view that for many Roma (and also many other applicants with a lower level of education) it posed a barrier surmountable only with difficulty. Just for example, the application had to be accompanied by certificates of a clean criminal record issued by both Czech and Slovak authorities, documents from the registers of births, marriages and deaths, a document of release from the citizenship of the Slovak Republic, and many other papers.

99. Owing to the difficulties caused by the condition specified in article 7, subsection 1, paragraph (c), the Act was amended in 1996. The above condition was not omitted from the law but the amendment to the law added a new subsection 3 to article 11, under which the Ministry of Interior may waive that condition if the applicant is a citizen of the Slovak Republic or a former citizen of the Slovak Republic who has had uninterrupted permanent residence in the Czech Republic since 31 December 1992 or an earlier date. According to the information from the Guidance Centre for Citizenship Issues of the Former Citizens of the CSFR, the Ministry of Interior does in fact waive this condition in respect of all applicants. In addition, the Ministry may also waive the requirement for a five-year uninterrupted residence in the case of Slovak applicants - and the Ministry normally does so.

100. Thanks to the work done by the Advisory Centre for the Citizenship Issues of the Former Citizens of the CSFR, established in 1996 by the Czech Helsinki Committee and financially supported by the Office of the United Nations High Commissioner for Refugees (UNHCR), and thanks also to the help provided to the applicants by social workers of the penitentiary system, the citizenship applications of several thousand Roma applicants over the past three years have been successful. However, there are still many applicants who have not yet been awarded Czech citizenship because of various administrative difficulties arising in the administrative process. In many cases the administrative process has remained open because of a lack of cooperation on the applicants' part. Many of those who have not yet acquired citizenship of the Czech Republic are serving prison terms or held in custody on remand, and many of them are people who as children stayed in foster homes at the time of the disintegration of the Federation and were unable to legalize their stay in the Czech territory after leaving the home, thus becoming illegal foreigners in the Czech Republic. The total number of persons who have not been able to legalize their stay in the Czech Republic as a consequence of Act No. 40/1993 is difficult to estimate. According to the information provided by non-State organizations, this number still remains in the order of thousands (by February 1999, the Guidance Centre for Citizenship Issues had had more than 6,000 clients).

101. The Policy Statement of the Czech Government contains its commitment to extensive legislative changes in the field of State citizenship. The amendment to the Act on the Acquisition and Loss of Citizenship entered into effect on 2 September 1999 under number 194/1999. This amended law makes it much easier for the former citizens of the Czech and Slovak Federal Republic who had permanent residence in the territory of the Czech Republic as of 31 December 1992 to acquire the citizenship of the Czech Republic. In accordance with article 18a, these persons may now acquire Czech citizenship on the basis of an affidavit without having to renounce their citizenship of the Slovak Republic. In its article 27, the amendment also addresses the situation of the children who had been adopted before the entry into force of the amendment to Law No. 272/1993.

102. In accordance with the Government's Policy Statement, the amendment to the Act also confirms the citizenship of those Czech citizens who opted for citizenship of the Slovak Republic within the period prescribed by Slovak Act No. 40/1993 on State Citizenship. And finally, article 18, subsection 1, of the amended Act confirms, in the form of a declaration, an earlier view of the Constitutional Court that the persons who had been Czech citizens up to 1 January 1993 and opted for Slovak citizenship upon the disintegration of the Federation have not lost their Czech citizenship thereby. In addition, the amendment guarantees that no former Czechoslovak citizen who in the future applies for Slovak citizenship will lose his or her Czech citizenship. This provision may be used by about 3,500 Czechs with only a Czech passport who have lived in Slovakia since the disintegration of the Federation in a legally disadvantageous situation. Later, if and when Slovakia also changes its pertinent legislation, the double Czech/Slovak citizenship may also be acquired by other former Czechoslovak citizens who had been Slovak citizens in the era of the Federation. A minor change - the possibility of exceptional remission of the requirement to give up former citizenship, granted to persons who have lived in the Czech Republic for more than 20 years - applies mainly to citizens of Poland and Bulgaria.

103. In 1998, citizenship of the Czech Republic was awarded to 4,800 citizens of Slovakia and to another 1,128 foreigners, in particular ethnic Czechs coming from the Ukraine.

(c) Right to marriage and choice of spouse

104. The information contained in the initial report remains fully applicable. The Family Act (Act No. 94/1993) was amended in Act No. 91/1998 but the amendment means no change in respect of the right to marriage and choice of spouse irrespective of ethnic origin.

105. A draft bill on the Partnership of Persons of the Same Sex which is currently being debated by the Parliament may - if passed - become a valuable asset of Czech legislation beyond what is required as a standard. The only problematic feature of this draft bill may be that it envisages that such registered partnership may only be contracted between partners having permanent residence in the Czech Republic.

(d) Right to own property and right to inherit

106. The right to protection of property and the right to inherit are guaranteed in article 11 of the Charter, as referred to in the initial report. No substantial change in the ownership rights which might relate to the issue of racial discrimination has occurred since the date of submission of the initial report.

107. As to the right to own property, complaints are often raised against the Czech Republic about the unsatisfied claims of Czech emigrants, particularly those living in the United States of America, in respect of the restitution of their property which was confiscated during the period 1948-1989 under Communist rule. This matter involves very complicated legal aspects but the complaints are not concerned with racial discrimination, except for the complaints relating to the restitution of Jewish property. Some of the Jews whose property had been confiscated ("Aryanize") by the Nazis failed to meet the deadline of 1 January 1949 for filing their claim for their property to be returned. This situation has only been rectified with Law No. 116/1994 Coll. which changes and amends Law No. 87/1991 Coll. on out-of-court rehabilitation, as amended. An analogous legislation concerning the restitution of agricultural land has recently been submitted by the Government.

108. Similarly, the Jewish communities have expressed objections to the consequences of Act No. 172/1991 on the Transfer of Ownership Title to Certain Assets from the Czech Republic to Municipalities, under which many properties which had originally belonged to the Jewish religious communities, foundations and associations (synagogues and other buildings) were transferred to municipalities. However, there is no legal regulation under which municipalities would be obliged to return these properties to Jewish communities. The Government declared its intention to resolve these cases by means of compensation.

109. Having taken office in 1998, the Minister of Culture of the Czech Government acknowledged the claims of the Jewish community as justified. He promised to take measures to remedy the situation. Under Government Resolution No. 694 of 7 July 1999 the Minister of Culture submits proposals for the transfer of the State's movable property to the hands of the Jewish Museum in Prague. At the same time, the Government appointed the Minister of Finance to allocate additional sums in the national budget proposed for 2000, as well as in the proposals for the national budgets for 2001-2005, as compensation for Jewish real property that cannot be returned.

(e) Right to freedom of thought, conscience and religion

110. The information contained in the initial report remains fully applicable. Nevertheless, what may be considered problematic is the situation which has developed in respect of the effort of the small Muslim community to build mosques in Brno and Teplice. Some local citizens have signed a petition against the construction of the mosque, reflecting prejudice against Muslims. Finally, the Brno City Council permitted the construction of the mosque provided it would have no minaret.

(f) Right to freedom of opinion and expression and right to freedom of peaceful assembly and association

111. No changes have been made in these areas during the period under review.

5. Economic, social and cultural rights

(a) Right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration

112. As indicated in the initial report, the right to work, which is guaranteed to the citizens of the Czech Republic irrespective of race, colour of skin, sex, language, religion, political or other conviction, membership of political parties or political movements, national, ethnic or social origin, property, state of health or age, is based on article 26 of the Charter. The general features of the State's policy of employment and the specific facts relating to the application of this right to foreigners were described in detail in the initial report.

113. In practice, the right to work is often associated with considerable problems, particularly in the case of persons belonging to the Roma minority. The Roma minority is affected by extremely high unemployment, leading to dependence on social benefits and to other forms of social deprivation. The main reason is the low level of qualification and skills of most of the Roma, which in turn is due to the low level of education they acquire. In addition to this "objective" cause (which, however, may be ascribed, at least partly, to discrimination in the area of education), cases of discrimination on the labour market, mainly on the part of private employers who often refuse to employ Roma even when the applicants do have the required skills or when the nature of the job does not require any qualifications at all, cannot be denied. However, these employers do not admit it and any intervention by the State is extremely difficult.

114. The previous regulation - Act No. 1/1991 on Employment - contained a prohibition of discrimination only in its preamble. As a result, the Act did not have sufficient force to be used against employers who discriminated against certain applicants for employment. On 13 July 1999 the Chamber of Deputies of the Czech Parliament passed Act. No. 167/1999 to amend Act No. 1/1991 on Employment, as amended. In the amended legislation the prohibition of discrimination was transferred from the Preamble to the text of article 1, subsections 1 and 2,

of the Employment Act. Act No. 167/1999 became effective on 1 October 1999. Currently, when Labour Offices find any non-compliance with the non-discrimination provision, a fine may be imposed for infringement of labour regulations. This legal regulation bears directly on points 12 and 24 of the concluding observations of CERD.

115. The job facilitation function is carried out largely by Labour Offices, and also employment agencies - legal entities or natural persons - under conditions defined by law. The amended Employment Act allows for the possibility of establishing private employment agencies which will carry out their business for the purpose of generating profit, which means that their services will cost more than just a reasonable fee equal to the actual costs of providing the service. In this context, both Chambers of the Parliament have already approved International Labour Organization Convention No. 181 on private employment agencies; the Convention only has to be signed by the President of the Republic.

116. A non-discrimination clause is also to enlarge the proposed amendment to the Labour Code which is being prepared by the Ministry of Labour and Social Affairs.

117. An important change in the State's employment policy has been brought about by the National Employment Plan adopted in the Government Resolution of 5 May 1999. A number of measures are being taken under this Plan for enhancing the chances of persons in the difficult-to-employ category (including most of the Roma applicants for employment) to find jobs, and also for alleviating the discriminatory elements in the society. These measures are as follows:

(a) To take steps to increase the employment of applicants who have been unemployed for a long period of time, with emphasis on members of the Roma community;

(b) To use public works projects primarily for employing jobseekers, especially those difficult to place on the labour market;

(c) To use extraordinary temporary measures in favour of the groups of citizens whose access to employment is markedly reduced;

(d) To adjust the employment of the foreign labour force to situations in the labour market and, in particular, prevent their entry on the labour market in illegal ways or in the form of illicit businesses;

(e) To strengthen the legal and institutional tools and mechanisms to remove manifestations of discrimination from the labour market;

(f) To monitor the extent to which the right to employment is enforced in respect of persons potentially exposed to discrimination.

118. The following intentions set out in the National Employment Plan should help to reduce unemployment, with special regard to the Roma minority:

(a) With a view to making it easier for school graduates to enter employment, the subject of "choice of employment" will be introduced in the curricula of schools with compulsory attendance. In cooperation with the Labour Offices, information will be provided on the current and projected needs of the labour market for the purposes of teaching these classes at the primary, secondary and higher secondary vocational schools;

(b) The minimum wage will be gradually increased so as to exceed, as soon as possible, the level of the social benefits determined as the vital minimum for the adult. This should result in lower unemployment because the current scheme demotivates jobless persons from seeking employment.

119. With a view to improving the situation of the Roma on the labour market, a commission was established under the Ministry of Labour and Social Affairs in 1998 to address the issues relating to this group, in particular in the areas of education, employability and employment. Representatives of three ministries are members of the Commission - Ministry of Labour and Social Affairs, Ministry of Education, Youth and Sports, and Ministry of Health. Also represented in the commission are Labour Offices, Roma employers and Roma initiatives. The commission is chaired by the Adviser for Roman Affairs to the Minister of Labour and Social Affairs.

120. The majority of the Roma jobseekers recorded by the Labour Offices belong in the difficult-to-employ category, characterized by low skills, long-term unemployment and combinations of handicaps. To secure employment for the Roma, Labour Offices use the following active employment policy tools:

(a) Public works;

(b) Socially beneficial work placements;

(c) Protected workshops and work sites (for the handicapped);

(d) Skill training for the youth;

(e) Retraining (ongoing retraining activities, courses of practical retraining).

121. Under the government retraining programmes, two retraining courses for social workers with a focus on the Roma population were held in 1997 and 1998 and were attended by 34 Roma jobseekers. Most of them have found jobs as Roma advisers at district authorities or municipalities, in anti-drug centres, guidance centres, and as assistants at schools.

122. Thanks to cooperation between the Employment Service of the Ministry of Labour and Social Affairs and the Český Krumlov municipality, a high rate of Roma employment has been achieved in that town, mainly in its technical services. There is also a large number of small Roma business in Český Krumlov.

123. Projects focused on improving Roma employment are also supported by the Ministry of Interior which - through the Secretariat of the Republic Centre for the Prevention of Criminality -

prepares concepts, takes initiatives and develops methodologies for local prevention programmes. In 1998, the Ministry of Interior granted CZK 2,819,000 to support ten projects focused on Roma employment. These projects included retraining, personal guidance and education of the Roma youth.

(b) The right to form and join trade unions

124. No change has been made in this area since the date of submission of the initial report.

(c) The right to housing

125. In the housing area, the poor housing situation of the Roma minority still remains the greatest problem. Unemployment and very low income often result in many Roma families being unable to pay the rent. Non-payers are then often moved and concentrated into certain housing sites where various social problems cumulate as a result. Even though there are also non-Roma among these non-payers, the proportion of Roma in these sites is so high that they gain a distinctly ethnic character.

126. On 22 September, 1999 (Resolution No. 686/1997), the Government assigned the Minister for Regional Development to "support projects of housing programmes and involve Roma organizations and firms in the implementation of the projects and in deciding on the allocation of the flats so built". Problems arise in the implementation of this task because municipalities do not have sufficient funds to finance the expenditures on the new blocks of flats for rent, to be built with the participation of the Roma. Some improvements can be expected from the new projects which are being prepared with loans from the Social Assistance fund of the Council of Europe.

127. At the local level and with the Government's support, several projects that improve the situation in the Roma's coexistence with the majority society have been implemented. An example to be cited is the Hope House in Česká Třebová. A block of flats, formerly inhabited by Soviet Army officers, has been refurbished (with the help of the Ministry for Regional Development). This house, a town property, was transferred under the administration of the Hope civil association (NGO) which provides round-the-clock social assistance in it. Most of its tenants are Roma. In addition to housing, help with integration into the society is offered to them. Social assistants help families with child upbringing, supervise their attendance at and preparation for school, and offer high-quality leisure time activities for the children. They help adults in their jobseeking efforts and lead them to an active lifestyle.

128. Similarly, the Halfway House was built in Valašské Meziříčí with the help of the Ministry for Regional Development. This facility is designed for young people who have grown up in foster homes and do not have a family to return to. Most of them are Roma. The house was built by a Roma contractor firm which produced the civil engineering design of the house and in fact had offered the underlying idea of the whole project. A social assistant will work full time in the House.

129. In its Resolution No. 978 of 22 September 1999, the Government decided to support the Coexistence Village project in Ostrava-Muglinov, granting CZK 16.5 million for it. The City of

Ostrava supplied the land, the utilities networks and the engineering design. The owner and operator of the village will be the Ostrava/Opava Parish Charity. The village will be peopled by families who lost their flats during the 1997 floods, both Roma and non-Roma.

130. A specific range of problems is represented by the group of Roma applicants for refugee status who have been returned from various countries, mainly from the United Kingdom. Before leaving the Czech Republic, many of these families sell all their property, including their flats (which they sometimes transfer to other persons, including the flats provided by the municipality on the basis of a so-called people-in-need waiting list). When they fail to acquire refugee status abroad and return home, municipalities cannot allocate new flats to them outside their waiting lists so that most of the repatriates must stay in crowded flats together with their relatives and friends. The Ministry for Regional Development has established a working group to tackle the issue of Roma repatriates.

(d) Right to public health, medical care, social security and social services

131. No change has been made in the area of the right to public health and medical care since the date of submission of the initial report.

132. As for social security, we should mention an update on paragraph 159 of the initial report, according to which applicants for employment received benefits in an amount equal to 50-70 per cent of the average monthly net income earned when last employed. This applied until 31 December 1997. Since 1 January 1998, this percentage has been reduced to 40-60 per cent.

133. As to social services, the Ministry of Labour and Social Affairs is preparing "social services minimum standards" which will serve as a criterion for the accreditation of social service providers; without the accreditation, they can obtain no funds from the State. Should future social service providers practise racial discrimination, their accreditation will be revoked.

(e) The right to education and training

134. The education of Roma children remains the most serious problem in the field of education in the Czech Republic On the basis of psychological tests which do not take into account the social and cultural differences between Roma and non-Roma children, the children of the Roma minority are often transferred to schools for children with special educational needs (SEN schools), subject to their parents' consent, although these schools are officially intended for children with learning difficulties that make it impossible for them to study at primary school or a special primary school. The problem is that the SEN school graduates have much lower chances in their life: they cannot be accepted to secondary schools, nor can they acquire a full-fledged vocational education. Estimates say that 75 per cent of Roma children are transferred to or directly enrolled in these special schools. There are a number of reasons contributing to this, including the language handicap and Roma families' different hierarchy of values, affecting their general attitude to education; nevertheless, representatives of the Roma community believe that the transfer of Roma children to special schools is a manifestation of racial discrimination.

135. Extensive discussions are under way among the majority society on how discrimination based on social and cultural differentness or the character of the psychological tests contribute to

the fact that so many Roma children cannot attend "normal" schools. It is beyond any question that many of the Roma children transferred to SEN schools have normal intelligence, suffer no mental retardation and can participate in an ordinary schooling system.

136. The Czech Government is aware that resolving the issue of education in the Roma population is the key to overcoming their disadvantaged position in the Czech society. In its Resolution No. 686/1997 on the Report on the Situation of the Roma Community in the Czech Republic, the Government declared that the area of education is the primary area to be addressed within any effort to change the current position of the Roma community, including the views and attitudes of the majority society towards the Roma. When determining the budgetary priorities in June 1999, the Government declared that education is priority No. 1, followed by the strengthening of all features and elements relating to the accession of the Czech Republic to the European Union. Education of the Roma population definitely belongs among these priorities. In addition, the fact that it is very difficult to return from a special school to the primary school is a problem of a broader group of children, not just those of the Roma population.

137. The Ministry of Education, Youth and Sports makes efforts to tackle the difficult issue of Roma children's education in compliance with the recommendation of the Committee, as expressed in particular in paragraph 22. To this end, the Ministry has taken the following steps:

(a) In November 1997 the Ministry signed a contract with a Roma coordinator for the issues relating to Roma education;

(b) Restandardization of psychological tests is now under way and staff members of pedagogical-psychological guidance centres are being trained to understand the specific features of how Roma families bring up their children, with due attention being paid to the Roma language, in order to avoid errors in evaluating the capabilities of the Roma child;

(c) Since 1993, the Ministry has regularly established preparatory classes for Roma children (prior to the primary school). At present, the Ministry is working to extend the network of preparatory classes for children from a socio-culturally disadvantaged environment within the primary education system. In the 1998/99 school year there already were as many as 100 preparatory classes with a total of 1,237 children;

(d) An important role in overcoming the language barrier - an effort particularly important for Roma children - is played by Roma assistants. As of 30 March 1999, there were 110 Roma assistants working for primary schools, special schools and kindergartens. The Ministry allocates and provides funds for the salaries of the Roma pedagogical assistants upon a request being filed by the schools. Qualification requirements for the position of Roma pedagogical assistant have been determined and the salary is based on the Catalogue of Work. The assistants obtained Czech-Roma and Roma-Czech dictionaries and the Amari Alphabet spelling books from the Ministry. In addition, the Ministry provides education and training courses for the assistants to prepare them for their job;

(e) All primary schools have been provided with a number of publications on Roma issues. In 1997 and 1998 the costs incurred amounted to CZK 2,790,000;

(f) The Ministry contributes to the funding of a five-year Project of Experimental Graded Education of Roma Advisers at the Secondary Evangelic School for Social Work in Prague 4;

(g) The Private Roma Secondary Social School in Kolín, with a regular four-year curriculum for social workers plus a special focus on Roma issues, was included in the school network with the Ministry providing 40 per cent of the funds needed to run the school;

(h) The Ministry supported a project of the Dakon public benefit society whose purpose is to assist new Roma holders of certificates of apprenticeship to enter social life and find jobs;

(i) The Ministry accepts alternative proposals for the education of the Roma minority, from both the majority society and, especially, the Roma community itself.

138. The Government expressed an affirmative standpoint in respect of the draft amendment (prepared by members of Parliament) to the School Act, which is to make it possible for secondary schools also to accept SEN school graduates. At present, based on the provisions of article 19, paragraph 1, of Act No. 29/1984 on the System of Primary and Secondary Schools (as amended), secondary schools can only accept successful graduates of primary schools. This draft amendment is currently being debated by the Czech Parliament.

139. The requirements of other minorities are far less problematic than those relating to education in the Roma community, and relate, in particular, to the right to education in their mother tongue. In accordance with the laws currently in force in the Czech Republic, persons belonging to minorities enjoy the right to education in their mother tongue within the system of State education. Act No. 29/1984 on the System of Primary, Secondary and Higher Vocational Schools, as amended, and Act No. 564/1990 on State Administration and Local Self-Government in Education, as amended, create legal grounds for setting up schools or classes to provide education in their mother tongue for children belonging to minorities, provided that the parents are citizens of the Czech Republic. Establishment of such schools or classes and their functioning depend on the interest of the parents who declare such interest in an appropriate manner, usually through their civic associations (NGOs). The Ministry of Education, Youth and Sports is preparing a new School Act in which the specific current requirements of minorities will be reflected.

140. The Polish minority in the districts of Karviná and Frýdek-Místek has a network of schools in which the students are educated in Polish. This network includes kindergartens, primary schools, an upper grammar school ("Gymnasium") and classes with Polish the language of teaching at secondary vocational schools. In the 1998/99 school year, there were 40 kindergartens (590 children), 152 classes in primary schools (2,642 pupils) and 21 classes in secondary schools (584 students) with Polish as the language of teaching in the Czech Republic. Since 1994, the Polish minority school system has enjoyed preferential treatment in terms of financial support. There are several reasons for this: the smaller number of children in the classes, a higher number of classes (additional hours of the Czech language), the higher cost of textbooks and teaching aids. Other features of the preferential treatment in respect of the Polish minority schools include:

(a) Appointment of a school inspector for schools where Polish is used as the language of teaching;

(b) Financial support of the journals Ogniwo and Jutrzenka which are considered by representatives of the Polish minority as an essential teaching aid for schools with Polish as the language of teaching (since 1994);

(c) Allocation of CZK 20 million to build a new school at Hnojník;

(d) Provision of a subsidy of CZK 96,000 to the Polish Teachers Society (in 1999).

141. The only primary school in the Czech Republic where Slovak is used as the language of teaching is in Karviná (since 1956). In 1997/98, the school had 56 pupils and in 1998/99, the number decreased to only 30 pupils. These figures indicate that the interest of the members of the Slovak minority in sending their children to a school with Slovak as the language of teaching is diminishing.[4]

142. The requirement of the German minority for education in their own language is most strongly expressed in the recommendations contained in the Sudetendeutsch Education Proposal adopted adopted by the Sudetendeutsch Cultural Council in Liberec in 1992, later reiterated by representatives of the Union of Germans in Bohemia, Moravia and Silesia. However, the German population is dispersed throughout the country so that it is difficult to consider establishment of schools where German would be used as the only teaching language. To support the development of German as the mother tongue for children of German and mixed families, some representatives of the German minority recommend the establishment of bilingual primary schools. The interest in such schools is not too high, and neither does this proposition seem very realistic. Nevertheless, the Czech Republic is ready to honour its obligations in respect of the German minority in the education area and support the teaching of the German language to children of citizens having German national identity beyond the framework of the primary school teaching plans, as in the case of the Hungarian and Greek minorities. [5]

143. The Jewish minority education system is also gradually developing, however its extent remains very limited. [6]

144. The other minorities do not have schools of their own and have not yet expressed their interest in such schools. Nevertheless, the Ministry of Education, Youth and Sports accepted the request of the representatives of the Greek minority to teach the Greek language. The classes are organized on optional basis and taught by trained teachers at Brno primary schools.

145. The education of children of foreigners who are not citizens of the Czech Republic - except Slovak citizens for whom education is provided pursuant to the Agreement between the Governments of the Czech Republic and Slovak Republic on Cooperation in the Area of Education, dated 29 October 1992 - is subject to the Instruction of the Ministry of Education, Youth and Sports on the Education of Foreigners in Primary, Secondary and Higher Vocational Schools, Including Special Schools. The children to be provided education on this basis must have a permanent or long-term residence permit to stay in the Czech Republic.

146. In the event that education is desired by a child who is not a Czech citizen and has not been granted a permanent or long-term residence permit, the concerned school must accept such a child if he/she is of school age. This obligation results from Ministry of Education, Youth and Sports Regulation No. 29/1991 on Primary Schools (art. 3, para. 6 - accepting foreigners to the primary school). Acceptance to schools is associated with practical problems in the case of children of persons whose application for refugee status has been turned down twice and who still stay in refugee camps.

(f) Right to equal participation in cultural activities

147. As described in the initial report, the Ministry of Culture supports the participation of persons belonging to minorities in cultural events, through the provision of grants for journals, concerts, public education activities, documentation of minorities' history, folklore reviews, editorial efforts and children's folklore groups. The key feature of the approach followed by the Ministry of Culture to minorities is its effort to provide room to persons belonging to minorities - represented for the most part by civic associations (NGOs) - to pursue their cultural interests and needs. Every year, the Ministry organizes tenders for projects to support the cultural activities of minorities. The projects eligible for tender may include, in particular:

(a) Art activities;

(b) Educational and training activities in various areas of culture;

(c) Research and documentation of the minority's culture and traditions;

(d) Publishing activities.

148. Multi-ethnic cultural events contributing to the elimination of manifestations of xenophobia and racial intolerance have been included among the activities supported by the State since 1998. The State provides subsidies to finance the work of the Roma Culture Museum in Brno, including the refurbishment of the building in which the museum is to be housed. Total subsidies for cultural activities of minorities amounted to CZK 8,845,000 as of 30 April 1999, including CZK 2,435,000 allocated to projects organized by or for the benefit of the Roma community.

149. Persons belonging to minorities can influence the cultural policy mainly through their representatives' membership of the Council for National Minorities. In addition, the Deputy Minister of Culture established an Advisory Board for Minorities' Culture in 1997. The Board has nine members, six of them being representatives of different minorities. Their task is to prepare the tenders for minority cultural projects and to evaluate the projects submitted. In this way, persons belonging to minorities participate in the distribution of the State subsidies. Through its Resolution No. 401/1999, the Government adopted a Strategy of More Effective Support to Culture; persons belonging to minorities (including, among others, the members of the above-mentioned Board) were involved in the development of the Strategy.

150. Many minorities' civic associations take part in cultural life. As many as 213 such associations were registered in the Czech Republic as of 31 May 1999.

151. The fact that the minorities' right to participate in the tackling of matters that concern them is not specifically regulated by law is felt to be a shortcoming in this respect. The Government is aware of that. To remedy the situation, the Government's Human Rights Commissioner is to submit the Principal Theses of a bill on national minorities to the Government by the end of 1999. The new law will guarantee the minorities' fundamental rights to participation in matters that concern them, not limited to merely the field of culture.

6. Right of access to any place or service intended for use by the general public

152. Discrimination against the Roma as to their access to services and to certain places (e.g. swimming pools) is a problem. Documentation of such practices is sporadic. Persons belonging to the Roma minority claim that they have been denied certain services merely because of their skin colour. Cases of such practices also occur in respect of persons who are of similar appearance to Roma, for example Indians.

153. Certain protection against the above-mentioned practices in access to services is provided in the Consumer Protection Act (Act No. 639/1992) which declares a prohibition of any of these practices (i.e. discrimination) against consumers; however, non-compliance with the provisions of this law is treated as a misdemeanour rather than a criminal act.

154. Related to the Consumer Protection Act is the Czech Trade Inspection Act (Act No. 425/1992) which provides grounds for the Director of the Czech Trade Inspection Board to impose a fine in cases of wilful breach of any generally binding regulations (in this case the non-discrimination clause of the Consumer Protection Act). In 1998, the Government ordered the Czech Trade Inspection Board to employ three Roma inspectors, and the Inspection Board has done so. This should improve the Inspection Board's ability to punish cases of racial discrimination.

155. In practice, however, prosecuting such cases is associated with considerable difficulties because the Czech Trade Inspection Board only considers racial discrimination as proved when it finds, by a follow-up inspection visit, that the discrimination is systematic and repeated. If a consumer complains about discrimination but the inspector does not encounter discrimination during the follow-up inspection visit, the consumer's complaint is unsuccessful. According to the Czech Trade Inspection Board, Roma complaints about discrimination have been successful just in 3 cases out of 43 (8 per cent) between 1996 and 1999 to date.

156. The Trade Licensing Act (Act No. 455/1999) provides grounds for the Trade Licensing Office to sanction serious cases of violation of other legal regulations, for example, the non-discrimination clause contained in the Charter, the Convention or the Consumer Protection Act, by revocation of the trade licence. However, no case of any revocation of a licence by any Trade Licensing Office has been recorded to date, nor any case of suspension of the licence or warning of such suspension or revocation.

E. Article 6 - Protection against any acts of racial discrimination

157. The manner in which the rights and justified interests of all parties are protected in proceedings before courts was described in detail in the initial report, including description of the mechanism of the constitutional appeal to the Constitutional Court (under article 74 of Act No. 182/1993 on the Constitutional Court, as amended).

158. Protection against discrimination, particularly in the area of services, is nevertheless accompanied by serious problems. The provisions of article 198a of the Penal Code in which incitement to ethnic and racial hatred is addressed (see comments on article 4) make it possible to prosecute public incitement to infringement on the rights and freedoms of persons belonging to any nation or race. However, in practice it is very difficult to apply these provisions, for example to cases of discrimination in services, because restriction itself of rights or freedoms or non-public incitement thereto (i.e. incitement in front of one or two persons) are not punishable by the law. It has not yet happened that any person would actually be tried and sentenced for discrimination in services pursuant to these provisions of the Penal Code. [7]

159. There are no legal rules which would regulate sanctions in cases of discrimination in education, health care, education, social care, in the penitentiary system and in other areas.

160. The Human Rights Status Report for 1998, submitted to the Government by its Deputy Prime Minister and the Chairman of the Government Council for Legislation together with the Human Rights Commissioner in March 1999, describes the current level of protection against discrimination in services as insufficient both in terms of the existing laws and in terms of the practical application thereof. It is therefore proposed that such penal provisions be adopted under which discrimination due to ethnicity, race or colour of the skin in the sale of products or provision of other services would be qualified as a criminal act.

161. In addition, the Human Rights Status Report for 1998 points out that the existing anti-discrimination laws as well as the newly proposed legislation should contain a formulation to the effect that the respective law or regulation applies to discrimination for both actual as well as assumed nationality or race (or religion or political conviction). The reason is that discrimination remains discrimination irrespective of whether the person facing discrimination really is, or is wrongly assumed to be, a Rom, Jew or Muslim.

F. Article 7 - Measures taken by the State in the area of education against racial discrimination

1. Education for tolerance and against racism in schools

162. The Ministry of Education, Youth and Sports has taken the following measures:

(a) Requires publishers, in the process of awarding so-called approval certificates to school textbooks, to ensure that the textbooks contain specific topics with distinctive multicultural aspects, and that history and civics textbooks contain information on the various

ethnic groups who live, or have ever lived, on the territory of today's Czech Republic; it financed research into ethnic intolerance amongst pupils and students in the Czech Republic. The first part focused on primary schools and was completed in 1998;

(b) Included in the research programme of the Pedagogical Research Institute the issues of prevention of racism and other types of intolerance;

(c) Issued on 23 March 1999 a methodological instruction for education against racism, xenophobia and intolerance, addressed to school principals and pedagogical staff in all types of schools and school facilities;

(d) Extended the awareness of different ethnic groups through the programme of the Summer School of Tolerance, where the participants were informed about the culture of the Roma and Jewish minorities (in 1998) and the Slovak and Ukrainian minorities (in 1999);

(e) Declared a Tolerance Subprogramme under the Programme of Support and Protection for Children and the Youth in 1998; the purpose of the Tolerance Subprogramme was to support civic associations' projects to create all-round conditions for activities leading to the integration of the youth exposed to risk (especially the young Roma people). Within this framework, the Ministry supported 26 projects with an aggregate budget of CZK 1,473,000;

(f) In 1998 allocated another CZK 11 million to support the activities of civic association of minority, children and youth, with special emphasis on the children's leisure activities;

(g) Assigned Charles University's European Information Center to prepare educational programmes for teachers and to develop educational and training activities for the youth in secondary schools (seminars in Prague, Hradec Kralove, Beroun and Ústí nad Labem). These programmes and activities, to which the Ministry provided a subsidy, were organized for the purpose of education towards intercultural coexistence in schools, as recommended under the United Nations Decade for Human Rights Education 1995-2004;

(h) Financed in 1998 three three-day training courses for teachers, with a focus on conflict prevention resolution and on communication with people from different cultural environments;

(i) Distributed several publications focused on education against racism to schools.

163. In spite of the progress which has certainly been made in the area of education, much scope is left for further improvements. This applies mainly to teaching in schools where multicultural aspects are introduced too slowly. In particular, the Roma and Jewish communities believe that the extent to which the pupils of primary and secondary schools are informed about the history of the Roma and the Jews on the territory of today's Czech Republic is insufficient.

164. Consequently, Government Resolution No. 789/1999 on Measures against Movements Seeking to Infringe on Citizens' Rights and Freedoms, assigns the Minister of Education, Youth and Sports to make steps to strengthen education towards respect for human rights and tolerance

in all subjects, particularly civics, and to ensure that the history curriculum reflects not only the complete history of the Czech nation but also the history of all the other communities - German, Jewish, Slovak, Roma and other - who have lived on the territory of today's Czech Republic. In addition, it is declared in the Resolution that in the subject of history, more attention will be paid to modern world history, including the criminal substance of the Nazi system and its ideological roots and also including explanations of the post-war history with emphasis on the current tendencies towards European integration, inclinations to tolerance and progress in the human rights area. In this context, the following tasks were assigned to the Minister of Education, Youth and Sports:

(a) Ensure that an analysis is made to review the curricula and contents of the subjects of civics and history with respect to the issues relating to the different ethnic groups living on the Czech territory, by 30 October 1999;

(b) Ensure that the issues of ethnic groups living or having lived on the Czech territory, as well as the issues of respect for human rights with emphasis on practical applications, are included in the National Programme of Education Development in the Czech Republic and that the same issues are developed within the teaching programmes of primary and secondary schools, by 31 December 2000;

(c) Continuously provide special training courses on communication techniques focused on conflict prevention and resolution for teachers working in areas where racism and ethnic conflicts occur;

(d) Include the issues of multicultural education and education towards tolerance and against racism in the pre-graduate courses for teachers.

2. Human rights and racial tolerance as part of education for State officials

165. In accordance with the recommendation of the Committee referred to in paragraph 24, the Czech Republic makes an effort to provide continuous education relating to human rights and racial tolerance for civil servants, particularly those to whom the law gives the authority to restrict the rights and freedom of citizens.

166. In its Resolution No. 192/1998 on the Report on the Steps Taken by the Governmental Authorities to Punish Crimes Motivated by Racism and Xenophobia or Committed by Supporters of Extremist Groups in 1997, the Government assigned the Minister of Interior the task of including (by 30 June 1998) the issue of extremism in the teaching programmes of police schools and academies at all levels so as to furnish their graduates with sufficient theoretical knowledge when entering practical life. The Minister of Interior was given the task of ensuring that police education and training would be focused on reinforcing the police's resilience in the face of racist and xenophobic attitudes.

173. The public Czech Radio gives its weekly broadcast O Roma vakeren in prime time on its Czech Radio 1 - Radiozurnal station, which receives the highest ratings among all radio stations. The same station also organizes a competition for amateur Roma singers, entitled Looking for Roma Stars. Roma topics appear regularly in news reporting and political broadcasts on Czech Radio 1 - Radiozurnal (Radio Forum, K veci [To the Point], Czech Radio 2 - Prague (Obanske otazniky [Citizens' Queries], Host do domu [The Guest] and others, Czech Radio 3 -Vltava (Studio Vltava, Nase tema [Our Topic], Metamorfozy - tradice [Metamorphosis and Traditions]), etc. Programmes for the Roma minority are also broadcast on regional radio stations in Brno, Plzen, Ceske Budejovice and other cities.

174. The Khamoro 99 International Roma Music Festival met with great success in May 1999. It was co-financed by the Ministry of Culture and held under the auspices of Libuse Benesova, Speaker of the Senate of the Czech Republic. Another successful international Roma and ethnic music festival, Respect 99, was held in July 1999.

175. A campaign against racism, to which the Government allocated CZK 10 million, was launched on 30 July 1999 under Government Resolution No. 34/1999. This campaign will be carried out by (non-State) organizations selected by tender, and will continue until 30 June 2000. The campaign aims at the following:

(a) Influencing the public through the mass media, with a focus on understanding and tolerance of national minorities and different cultures;

(b) Using advertising instruments to induce and strengthen a universally felt conviction that racism, particularly attacks with racist motivation and all forms of discrimination, are absolutely unacceptable;

(c) Training the teachers interested in enhancing their skills for education towards tolerance, multicultural attitudes and against racism in regions with frequent occurrence of inter-ethnic conflicts.

176. Both Czech and international observers (e.g. those of the European Commission against Racism and Intolerance) have expressed their view that the situation in the area of information imparted through the media on national minorities, particularly the Roma community, markedly improved during the period 1996-1999. This applies mainly to the public media. Nevertheless, xenophobic stereotypes continue to appear, particularly (though not exclusively) in certain tabloids. The planned campaign against racism is to help accelerate the positive developments on the media landscape.

4. Other sources of information

177. In February 1999 the Ministry of Interior extended its Internet site (www.mvcr.cz) by inserting a page entitled Problematika lidskych prav [Human Rights Issues], focused particularly on the issues of racism. The page contains the following:

(a) The International Convention on the Elimination of All Forms of Racial Discrimination;

(b) The full wording of the defence before the Committee of the initial and second periodic report of the Czech Republic on compliance with the Convention;

(c) The Committee's position which draws attention to certain issues relating to compliance with the Convention in the Czech Republic;

(d) Final evaluation of the initial and second periodic report of the Czech Republic by the Committee;

(e) Committee documents concerning the Czech Republic;

(f) Reference to the Committee's web pages.

178. The Report on the Steps Taken by the Governmental Authorities to Punish Crimes Motivated by Racism and Xenophobia or Committed by Supporters of Extremist Groups in 1997 is accessible in both Czech and English on the web pages of the Ministry of Interior (the Official Document section). The 1998 Report, approved in Government Resolution No. 720/1999, has so far been accessible on the Internet in its Czech version only.

III. RESPONSE TO A SPECIFIC QUESTION PUT BY THE COMMITTEE: FENCE IN MATIČNÍ STREET IN ÚSTÍ NAD LABEM

179. The Committee for the Elimination of Racial Discrimination requested the Czech Government, in Decision No. 2 (53) of 11 August 1998 (see A/53/18), to provide information on the measures which, as suggested by alarming reports, were being prepared in certain towns and which could lead to physical segregation of the residential quarters inhabited by Roma families.

180. In 1993 and 1994, the elected Assembly of Neštěmice, a borough of Ústí nad Labem, or rather the Neštěmice Local Council, had two of the four houses in Matiční Street, which had formerly served as dormitories, transformed into small flats. Between 1994 and 1998, these flats were provided to a total of 35 families, most of them Roma. Today, the flats are occupied by 30 Roma families, 130 persons altogether, and 4 non-Roma families or individuals, for example ex-convicts.[8]

181. The non-Roma citizens living in Matiční Street complained about the accumulation of garbage around the two houses in which the majority of tenants were Roma, and the noise caused by Roma children; in 1997, they started proposing a four-metre fence to be built to separate the two houses from the rest of the street. The local town hall of Ústí nad Labem-Neštěmice supported this plan. However, in spring of 1998, the Roma established an association called Romská duha [The Roma Rainbow], cleaned the area in cooperation with the municipality, and have maintained the area in good order ever since. The fence, planned to separate the two houses from the rest of the street, cannot prevent children from playing under the windows of the detached houses in the street and cannot in fact resolve any of the problems for which it was originally proposed. The plan to build the fence elicited a wave of negative responses outside

the country as well as among representatives of the Roma minority in the Czech Republic and some of the Czech mass media. Nevertheless, the Ústí nad Labem-Neštěmice Council and Assembly decided on 15 September to build a 1.8-metre-high "ceramic fence", without passages (along with the construction of a playground and pavements).

182. At the Committee's fifty-fourth session held in March 1999 the Czech Government's Commissioner for Human Rights explained the position adopted by the Czech Government upon the Commissioner's proposal of 11 January 1999. The Government's opinion in respect of the planned construction of the fence was that the local elected authorities' plan represented a serious and alarming move. In the Government's view, it might be perceived as potential interference with human rights, especially human dignity and equality of people before the law irrespective of social or ethnic origin or property. The Government authorized its Commissioner to discuss the need for strict observance of human rights with the local elected authorities, and authorized him to inform the Government about the results of his discussions before the construction would start. At the same time, however, the Government expressed its determination to use all available ways and means to prevent the fence from being built in the event that the Neštěmice municipality did not give up its plans.

183. The local authorities in Ústí nad Labem-Neštěmice actually did insist on their plan to build a fence without any passage. Consequently, the Government decided on 26 May 1999, upon a proposal submitted by Pavel Rychetský, Deputy Prime Minister and Chairman of the Legislative Council and supported by Foreign Minister Jan Kavan, that under the relevant legal regulations (article 62 of Act No. 362/1990 - the Municipalities Act), to assign the Director of the Ústí nad Labem District Office to have the matter discussed by the City of Ústí nad Labem Assembly. If that failed to remedy the situation, the Director should suspend the decision to build the fence on the grounds that it would breach article 10 of the Charter of Fundamental Rights and Freedoms (article 1: "Everybody is entitled to protection of his or her human dignity, personal integrity, good reputation, and his or her name") and should submit a resolution to this effect to the Chamber of Deputies of the Czech Parliament for consideration and decision. Because the City of Ústí nad Labem Assembly did not prohibit the construction of the fence, the director of the district Office suspended construction on 29 June 1999.

184. The Chamber of Deputies according to the Municipalities Act, has the power to decide over all the issues where a District Office Director suspends the local authorities' decision unless it concerns the annulment of a legal regulation (which would be decided by the Constitutional Court). This valid legal regulation, according to which a disagreement between a governmental authority and the elected local authority is decided by the Chamber of Deputies, has recently come under public criticism in the Czech Republic. The Ministry of Interior is preparing a draft proposal of a new law on municipalities which would grant this competence to a court.

185. Before the suspension of their decision by the District Office Director, the local town hall in Neštěmice had completed the construction of the benches and sandboxes and other facilities for the children (basketball basket, climbing towers) in between the two rented houses as well as the sidewalks meant to be the new path the residents of the two houses would use to walk in the other direction, i.e. from Matiční Street. At the end of August 1999 and again at the end of September 1999, the town hall announced that the construction of the fence would start. The construction started on 5 October 1999. Roma, including those from distant areas, gathered in

the area and dismantled the construction, putting the concrete blocks (which the fence consisted of) carefully on the ground. The town hall had, admittedly, made a concession that there would be three entries (instead of just one, placed in the middle). The town hall argued that the suspended decision was redundant anyway, since they could build the fence without it as they had fulfilled the requirements laid down by the Law on Constructions by formally announcing the construction and the Construction Department had confirmed the announcement in November 1998. On 30 August 1999, the District office Director took remedial action by cancelling the confirmation. According to the Czech Government authorities, any legal justification for the construction ceased at that moment. On 5 October 1999, the District Office called upon the Ústí nad Labem City Hall to cease any construction works as they were illegal.

186. Also, the Government expressed its concern over the construction of the fence in its Resolution No. 1054 from 6 October 1999, which also fully supported the measures taken in the matter by the district Office Director. The Chamber of Deputies discussed the case at its proximate session following the parliamentary holiday. On the first day of the session, 12 October 1999, the Chamber put the issue of the fence on the agenda to be discussed in early November. On 13 October 1999, a construction company hired by the town hall completed the construction with the assistance of the city police (constables), who are under the orders of the Mayor of Ústí nad Labem. No physical altercations occurred.

187. The Chamber of Deputies decided on 13 October 1999, by 100 votes to 58 (with 28 absences and 14 abstentions), to repeal the Neštěmice Assembly's decision on the fence construction of 15 September 1998.

188. The Resolution of the Chamber of Deputies as a whole was carried by the support of 101 deputies. In the same resolution, the Chamber urged the Government to appoint a new representative to negotiatiate with the local elected authorities. On 18 October 1999, the Government took note of the Resolution of the Chamber of Deputies in its Resolution No. 1111, in which it assigned the Deputy Prime Minister and Chairman of the Legislative Council to discuss the further steps with representatives of the Roma community and provide information about these steps to ambassadors of countries which had addressed the Czech Government in this matter. In the same Resolution, it authorized Deputy Interior Minister Pavel Zářecký to start negotiations with the Director of the District Office in Ústí nad Labem as well as with the Council of Ústí nad Labem-Neštěmice about the removal of the fence in Matiční Street or about some other satisfactory solution of the situation.

189. It is now the intention of the Government to have the local council itself remove the fence, which can be considered as a construction violating the legal order (i.e., the Municipalities Act, the Law on Construction). If this aim is not achieved through negotiation, the Government is prepared to use law enforcement agencies to remove it. As of 4 November 1999, the fence had not yet been removed. Thus, this construction had become a symbol of a division in society rather than a real act of any form of segregation. The fact that it is a conflict between the State executive and a local council elected in direct democratic elections makes it a very sensitive issue. The construction carried out by the local authorities is, after all, a fence with three entrances that has replaced the previous fence which had been there for decades and which was completely destroyed.

IV. CONCLUSION

190. The Czech Republic does not pursue any policy aimed at racial discrimination. However, like other European countries, it tackles the problem of racist manifestations and tries to combat them as effectively as possible. There is no question that the 40-year-long isolation, abuse of the newly gained freedom, lack of preparedness for the country opening up to the world and fears caused by economic uncertainty all contribute to the increasing trend in such manifestations. However, their growth in the first half of the 1990s was apparently supported by the fact that their importance had initially been underestimated.

191. In the period under review, the governmental authorities' efforts to overcome problems associated with racial discrimination had markedly intensified. The Czech Republic respects the recommendations contained in the concluding report of the Committee and is implementing them gradually.

192. Indisputable priorities include the need to provide for consistent enforcement of those provisions of the Penal Code which pertain to racially motivated criminal acts. The Czech Republic regards it as no less important to pass such legislative changes that will more effectively prevent discrimination in job seeking and in services. The changes under preparation are described in this report.

193. In addition to repression, constant, long-term and mass-scale prevention needs to be an inseparable, and frequently even a dominant part of efforts towards elimination of racial discrimination. Such prevention should consist in targeted multicultural education and education towards human rights at all levels of the school system.

194. The Czech Republic considers all of the above tasks to be long-term undertakings. It should not be expected that all the problems, which are frequently deeply rooted, will be overcome in a matter of a few years. Nevertheless, the efforts made over the past few years demonstrate that the Czech Republic sincerely tries to provide equal rights and the best possible living conditions to all who live in its territory.

Notes

[1] The term "minority", "minorities" as used here and in the text below is understood to be national and ethnic minorities pursuant to chapter III of the Charter of Fundamental Rights and Freedoms (hereinafter the Charter), promulgated under No. 2/1993 in the Collection of Laws, which forms part of the constitutional order of the Czech Republic and has the legal force of the Constitution and constitutional laws, as well as minorities as per the Framework Convention for the Protection of National Minorities of the Council of Europe (hereinafter the Framework Convention).

[2] The advisory bodies under (b), (c) and (d) have been established since the submission of the initial and second reports.

[3] The new law on the stay of foreigners allows a foreigner to be placed in custody for the reason of an expulsion order based on a court decision. On 31 October 1999, the Law was adopted by the Chamber of Deputies of the Parliament. To come into force, it has to be approved by the Senate of the Parliament and signed by the President.

[4] Upon an initiative taken by representatives of the Slovak minority, the Ministry of Education, Youth and Sports established the M.R. èteßnik Gymnasium in Prague 4 in February 1997. However, the number of pupils was so small that the classes had not been opened. Nevertheless, those who were interested were given the opportunity to learn the Slovak language at another gymnasium.

[5] The Czech-German Understanding Private Primary School and the Thomas Mann First Gymnasium in Prague were accepted into the Ministry of Education, Youth and Sports network of schools in 1996. In 1999 the two schools were merged to form one school, whose founder was the public benefit society Assembly of Germans in Bohemia and Moravia (NGO). In 1997, the Bernard Bolzano Primary School was established in Tábor. The last-mentioned school is included in the network of schools under the Ministry of Education and 60 per cent of the funds needed for its financing is provided by the Ministry, additional funds being provided by Czech and German sponsors.

[6] The Jewish community in Prague supports one kindergarten class which pursues an alternative programme focused on the Jewish culture. The Ministry of Education, Youth and Sports accepted the Lauder's Gur Arje School into the school network in 1998. This private school where Hebrew is taught is focused on Jewish history and culture. A Jewish Gymnasium was included in the school network in 1999. The Ministry provides funds to finance 40 per cent of these schools' budgets.

[7] In the well-known case of the innkeeper in Rokycany who refused to serve Roma guests, the court handed down a not-guilty verdict (but the case has not yet been closed with finality).

[8] About one half of the families that have been moved into the Matiční house did not pay rent in their previous flats.

List of appendices

1. Government Resolution No. 279/1999 on the draft conception of government policy with regard to members of the Roma community designed to facilitate their integration into society.

2. Draft conception of government policy with regard to members of the Roma community designed to facilitate their integration into society.

3. Statistics of granted applications for the refugee status in the Czech Republic (1996-1999).

4. Government Resolution No. 686/1997 on the Report on the Situation of the Roma Community in the Czech Republic and the Current Situation in the Roma Community.

5. Government Resolution No. 789/1999 on the measures against the movements promoting restraint of the citizens' rights and freedoms.

6. Government Resolution No. 640/1999 on Measures to Support Employment of Persons Difficult to Place on the Labor Market (with a View to Persons Belonging to the Roma Community).